

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	
	:	CASE NO. 14-22048-rrd
BUHRE BEVERAGE DISTRIBUTION,	:	
INC.	:	Chapter 11
Debtor.	:	
-----X	:	
	:	
WILLIAM SANCHEZ,	:	Adv. Pro. No. 14-08218-rrd
	:	
Plaintiff,	:	
vs.	:	
	:	
BUHRE BEVERAGE DISTRIBUTION,	:	
INC., et. al.	:	
Defendants.	:	
-----X	:	

**STIPULATION OF DISMISSAL OF ADVERSARY PROCEEDING AS AGAINST DEFENDANT
PEPSI-COLA BOTTLING COMPANY OF NEW YORK, INC. AND WITHDRAWING
PLAINTIFF WILLIAM SANCHEZ’ MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

WHEREAS, the above-captioned Adversary Proceeding was filed on April 3, 2014 and a Summons was issued on April 7, 2014; and

WHEREAS, Pepsi-Cola Bottling Company of New York, Inc. (“PCBCNY”) is named as a defendant in the Adversary Proceeding; and

WHEREAS, the only claim for relief alleged by Plaintiff William Sanchez (“Plaintiff”) against PCBCNY is set forth as Plaintiff’s Second Claim for Relief in the Adversary Complaint, by which Plaintiff seeks preliminary injunctive relief against PCBCNY prohibiting PCBCNY from terminating a certain distributorship agreement between PCBCNY and Defendant-Debtor, Buhre Beverage Distribution, Inc. and Plaintiff (the “Distribution Agreement”); and

WHEREAS, Plaintiff has made application by motion for entry of such preliminary injunction and the Court has scheduled a hearing on Plaintiff’s motion for August 8, 2014; and

WHEREAS, PCBCNY has acknowledged the validity of the automatic bankruptcy stay as imposed by Section 362 of the Bankruptcy Code; and

WHEREAS, PCBNY has acknowledged that will not take any action to terminate the Distribution Agreement pending further Order of the Court,

IT IS NOW, THEREFORE, STIPULATED by and between the parties that

1. Plaintiff's motion for preliminary injunctive relief against PCBCNY be and hereby is withdrawn; and
2. the Adversary Complaint, as against Defendant Pepsi Cola Bottling Company of New York, Inc. only, be and hereby is dismissed, with prejudice and without costs to either party.

Dated: July 24, 2014
Roseland, New Jersey

GREENBAUM ROWE SMITH & DAVIS, LLP
Attorneys for Defendant, Pepsi-Cola Bottling Company of
New York

By: /s/Thomas A. Waldman
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Dated: July 24, 2014
Melville, New York

MICHAEL G. MC AULIFFE

By: /s/Michael G. Mc Auliffe
Michael G. Mc Auliffe, Esq.
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Melville, NY 11747
(631)465-0044

SO ORDERED:
Dated: White Plains, New York
July 24, 2014

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE